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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,860	10/11/2000	Flavio Borgna	194112US6PCT	5550

22850 7590 10/03/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/600,860	<b>Applicant(s)</b> BORNA, FLAVIO	
	<b>Examiner</b> James O. Hansen	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 59-66,68-70 and 72-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 59-66,68-70 and 72-74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 17, 2005 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 59-60 & 62-66, 68-70, 72-73 are rejected under 35 U.S.C. 102(b) as being anticipated by Bickford [U.S. Patent No 4,117,614]. Bickford (figures 1-7) teaches of a refrigerator shelf (see fig. 2 - it is noted, that use of the phrase "refrigerator shelf" does not denote a specified meaning other than a horizontal surface that can be used in a refrigerator to support items, unless the limitation is supported with structural details i.e., how the shelf is connected to or interacts with the medium with which it is located, the examiner will maintain the reasonable broad interpretation that the structurally similar device of the prior art can be employed as claimed - [the prior's art structure could be placed on a shelf in a refrigerator and still

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serve as a glass shelf support surface)) that is capable of supporting items in a refrigerator, the shelf comprising: at least one support panel (13) inherently formed of at least one sheet of glass or plastic [the panel is defined as being transparent - also note the cross-hatching as depicted in figs. 3-4], the panel having a plurality of corners and a face (upper surface of 13 as depicted in fig. 2) configured to and capable of supporting items; and a plurality of coverpieces (11, 12) each of the coverpieces covering at least a part of one side of the panel and at least one of the coverpieces covering only one (note fig. 2) of the plurality of corners of the support panel, wherein at least one of the coverpieces including "at least one attachment portion" (the recitation of *attachment portion* being broadly viewed as the back surface portion of the coverpiece as indicated in figure 3 by reference no (31)) that is capable of attaching [such as being in direct contact] the "shelf" in a chassis in a horizontal configuration if so desired (the attachment portion would provide a support surface so that the shelf could be placed/rest upon rails, a rack or any other supporting member that may be located within a chassis, just to recite a couple of examples - it is noted that since the chassis and therefore, particulars of the chassis are not positively claimed, the prior art's member need only an "attachment portion" having the capacity to perform the intended function), wherein the plurality of coverpieces cover the entire periphery of the support panel when assembled and at least one of the plurality of coverpieces is adapted to slide in another one of the plurality of coverpieces so as to form a telescopic set of coverpieces. As to claim 62, the plurality of coverpieces comprise plastic as evident in the cross-hatching [depicted in fig. 3 for example]. As to claim 68, at least one of the plurality of coverpieces includes at least one stiffening fin (32 for example). As to claim 69, at least one of the plurality of coverpieces includes at least one rim (34

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for example) configured to prevent liquids from running off the shelf (as depicted in figs. 2-3). As to claim 70, at least one of the plurality of coverpieces includes at least one buffer strip (32 for example).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bickford in view of Marx. Bickford teaches applicant's claimed invention as disclosed above, but does not show the panel as having a groove that engages with an internal relief on one of the coverpieces. However, Marx (figures 1-6) teaches of a structural member similar to applicant's invention. Marx employs a panel having grooves (13) that are engaged by internal reliefs (16) located on coverpieces (14, 15). As such, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ a grooved panel and at least one coverpiece with an internal relief since this arrangement would enhance the connection between the panel and a coverpiece due to the positive engagement created by the relief residing within the groove. This arrangement demonstrates that the knowledge to provide a glass panel with a groove so as to engage a relief on another element as dictated by the personal preference of the user or intended application was known in the art.

6. Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bickford. Bickford teaches applicant's inventive claimed concept as structurally

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disclosed above, but does not specifically state a method of manufacturing a shelf, the prior art does show providing a panel having a plurality of corners, providing coverpieces to cover all of the corners and assembling the coverpieces onto the panel. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to construct a shelf as prescribed by applicant's method because the normal assembly of the prior art's structure inherently encompasses the steps as set forth.

### ***Response to Arguments***

7. Applicant's arguments filed August 17, 2005 have been fully considered but they are not persuasive. In response to applicant's remarks concerning the amended independent claims, the position is taken that for prior art purposes, the recitation of an "attachment portion" does not distinguish itself from the recitation of "portions" in a structural sense so as to preclude or obviate the use of the cited prior art. The specification refers to this element as an "attachment means" which is still deemed broad in scope if utilized. Until specific structural aspects are identified with respect to the "portion", it is viewed that the claimed limitations are adequately addressed.

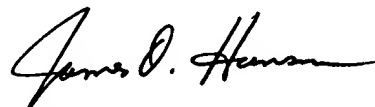
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen  
Primary Examiner  
Art Unit 3637

JOH  
September 28, 2005